

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

ENDO PHARMACEUTICALS INC.,

Plaintiff,

v.

LUPIN ATLANTIS HOLDINGS SA,

Defendant.

CIVIL ACTION NO. 2:17-cv-558-JRG

**JURY TRIAL DEMANDED**

**DOCKET CONTROL ORDER**

In accordance with the scheduling conference held in this case, it is hereby ORDERED that the following schedule of deadlines is in effect until further order of this Court:

Court's Date	New Date	Event
July 29, 2019	*	*Bench Trial – 9:00 a.m. in <b>Marshall, Texas</b>
July 1, 2019	*	*Pretrial Conference – 9:00 a.m. in <b>Marshall, Texas</b> before Judge Rodney Gilstrap
June 26, 2019	*	*Notify Court of Agreements Reached During Meet and Confer  The parties are ordered to meet and confer on any outstanding objections or motions <i>in limine</i> . The parties shall advise the Court of any agreements reached no later than 1:00 p.m. three (3) business days before the pretrial conference.
June 24, 2019	*	*File Joint Pretrial Order, Findings of Facts and Conclusions of Law

Court's Date	New Date	Event
June 17, 2019	*	<p>*File Notice of Request for Daily Transcript or Real Time Reporting.</p> <p>If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Shelly Holmes, at shelly_holmes@txed.uscourts.gov.</p>
June 10, 2019		Serve Objections to Rebuttal Pretrial Disclosures
June 3, 2019		Serve Objections to Pretrial Disclosures; and Serve Rebuttal Pretrial Disclosures
May 20, 2019		Serve Pretrial Disclosures (Witness List, Deposition Designations, and Exhibit List) by the Party with the Burden of Proof
April 22, 2019		<p>*File Dispositive Motions or Motions to Strike Expert Testimony (including <i>Daubert</i> Motions)</p> <p>No dispositive motion or motion to strike expert testimony (including a <i>Daubert</i> motion) may be filed after this date without leave of the Court.</p>
April 22, 2019		Deadline to Complete Expert Discovery
	March 19, 2019	Serve Disclosure for Reply Expert Reports on Secondary Considerations of Non-Obviousness
	February 25, 2019	Serve Disclosures for Rebuttal Expert Witnesses
	December 3, 2018	Deadline to Complete Fact Discovery and File Motions to Compel Discovery
	January 28, 2019	Serve Disclosures for Expert Witnesses by the Party with the Burden of Proof

Court's Date	New Date	Event
	May 1, 2019	<p>Deadline to Complete Mediation</p> <p>The parties are responsible for ensuring that a mediation report is filed no later than 5 days after the conclusion of mediation.</p>
August 30, 2018		Comply with P.R. 3-7 (Opinion of Counsel Defenses)
August 9, 2018		*Claim Construction Hearing – 1:30 p.m. in <b>Marshall, Texas</b> before Judge Rodney Gilstrap
July 26, 2018		*Comply with P.R. 4-5(d) (Joint Claim Construction Chart)
July 19, 2018		*Comply with P.R. 4-5(c) (Reply Claim Construction Brief)
July 12, 2018		Comply with P.R. 4-5(b) (Responsive Claim Construction Brief)
	June 21, 2018	<p>Comply with P.R. 4-5(a) (Opening Claim Construction Brief) and Submit Technical Tutorials (if any)</p> <p>Good cause must be shown to submit technical tutorials after the deadline to comply with P.R. 4-5(a).</p>
	June 28, 2018	<p>Deadline to Substantially Complete Document Production and Exchange Privilege Logs</p> <p>Counsel are expected to make good faith efforts to produce all required documents as soon as they are available and not wait until the substantial completion deadline.</p>
	June 7, 2018	Comply with P.R. 4-4 (Deadline to Complete Claim Construction Discovery)
June 7, 2018		File Response to Amended Pleadings

Court's Date	New Date	Event
May 24, 2018	*	<p>*File Amended Pleadings</p> <p>It is not necessary to seek leave of Court to amend pleadings prior to this deadline unless the amendment seeks to assert additional patents.</p>
May 17, 2018		Comply with P.R. 4-3 (Joint Claim Construction Statement)
	May 4, 2018	Comply with P.R. 4-2 (Exchange Preliminary Claim Constructions)
	April 13, 2018	Comply with P.R. 4-1 (Exchange Proposed Claim Terms)
March 26, 2018		Comply with P.R. 3-8(e) (Disclosure of Asserted Claims and Infringement Contentions)
December 19, 2017		<p>*File Proposed Protective Order and Comply with Paragraphs 1 &amp; 3 of the Discovery Order (Initial and Additional Disclosures)</p> <p>The Proposed Protective Order shall be filed as a separate motion with the caption indicating whether or not the proposed order is opposed in any part.</p>
December 12, 2017		<p>*File Proposed Docket Control Order and Proposed Discovery Order</p> <p>The Proposed Docket Control Order and Proposed Discovery Order shall be filed as separate motions with the caption indicating whether or not the proposed order is opposed in any part.</p>
	February 12, 2018	Comply with P.R. 3-8(c) & (d) (Invalidity and Non-Infringement Contentions)
	January 12, 2018	Serve Initial Disclosures Pursuant to Discovery Order (¶1).

Court's Date	New Date	Event
	January 22, 2018	Comply with P.R. 3-8(b) (Asserted Claims)
	December 19, 2017	Join Additional Parties
December 1, 2017	*	*File Notice of Mediator
Upon filing of a responsive pleading to the complaint	N/A	Comply with P.R. 3-8(a) (Abbreviated New Drug Application)

(\*) indicates a deadline that cannot be changed without showing good cause. Good cause is not shown merely by indicating that the parties agree that the deadline should be changed.

### **ADDITIONAL REQUIREMENTS**

**Notice of Mediator:** The parties are to jointly file a notice that identifies the agreed upon mediator or indicates that no agreement was reached. If the parties do not reach an agreement, the Court will appoint a mediator. The parties should not file a list of mediators to be considered by the Court.

**Summary Judgment Motions, Motions to Strike Expert Testimony, and Daubert Motions:** For each motion, the moving party shall provide the Court with two (2) copies of the completed briefing (opening motion, response, reply, and if applicable, surreply), excluding exhibits, in D-three-ring binders, appropriately tabbed. All documents shall be single-sided and must include the CM/ECF header. For expert-related motions, complete digital copies of the relevant expert report(s) and accompanying exhibits shall submitted on a single flash drive. These copies shall be delivered as soon as briefing has completed.

**Indefiniteness:** In lieu of early motions for summary judgment, the parties are directed to include any arguments related to the issue of indefiniteness in their *Markman* briefing, subject to the local rules' normal page limits.

**Motions for Continuance:** The following excuses will not warrant a continuance nor justify a failure to comply with the discovery deadline:

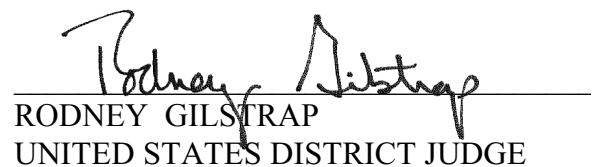
- (a) The fact that there are motions for summary judgment or motions to dismiss pending;
- (b) The fact that one or more of the attorneys is set for trial in another court on the same day, unless the other setting was made prior to the date of this order or was made as a special provision for the parties in the other case;

(c) The failure to complete discovery prior to trial, unless the parties can demonstrate that it was impossible to complete discovery despite their good faith effort to do so.

**Amendments to the Docket Control Order (“DCO”):** Any motion to alter any date on the DCO shall take the form of a motion to amend the DCO. The motion to amend the DCO shall include a proposed order that lists all of the remaining dates in one column (as above) and the proposed changes to each date in an additional adjacent column (if there is no change for a date the proposed date column should remain blank or indicate that it is unchanged). In other words, the DCO in the proposed order should be complete such that one can clearly see all the remaining deadlines and the changes, if any, to those deadlines, rather than needing to also refer to an earlier version of the DCO.

**Proposed DCO:** The Parties’ Proposed DCO should also follow the format described above under “Amendments to the Docket Control Order (‘DCO’).”

**So ORDERED and SIGNED this 15th day of December, 2017.**



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RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE